

ARTICLE 721

Streets and Sidewalks

- 721.01 Obstructions and projections.
- 721.02 Removal of snow, ice or rubbish.
- 721.03 Projecting gates or doors.
- 721.04 Activities.
- 721.99 Penalty.

CROSS REFERENCES

Power to prohibit street obstructions - See 3rd Class §2403(16)
[53 P.S. 37403(16)]
Malicious injury to sidewalks - See Penal Code §958
Department of Public Works - See ADM. Art. 107
Snow emergency routes - See TRAF. Art. 523
Blocking garages - See TRAF. Art. 531
Scattering papers on sidewalks - See GEN. OFF. Art. 701
Street improvements - See S.U. & P.S. Art. 905
Sidewalks, curbs, gutters, driveways - See S.U. & P.S. Art. 909
Health nuisances - See HLTH. Art. 1161

721.01 OBSTRUCTIONS AND PROJECTIONS.

No property owner or other person shall permit to remain, or hereafter erect or place any stand, stall, booth or showcase, vending machine, trash receptacle, banner, awning, awning post, swinging sign, post, pole, board, frame, or any other device or thing occupying, or in any manner projecting over or upon any portion of any of the streets, lanes, alleys, pavements, sidewalks or footways of the City, or stand or place or cause to be stood or placed any barrels, boxes, wares, goods, merchandise, brick, stone, lumber or any other thing of any kind or description, whether for sale or otherwise, in or upon the streets, lanes and alleys of the City without written approval. No person shall place any obstructions or projections over or upon the streets, lanes, alleys, pavements, sidewalks and footways without having prior written approval. The Director of Public Works shall have the authority to issue such written approval.

Nothing herein contained shall prevent the necessary loading and unloading of vehicles, and the delivery of goods and material to residences and business houses, or for building operations. The foregoing activities are subject to the rules and regulations

promulgated by the Director of Public Works and/or the Police Commissioner.

Nothing herein contained shall prevent the projection over and above any pavement, sidewalk or footway in the City of any temporary awning which is at least seven and one-half clear feet above the sidewalk, pavement or footway at its lowest point. (Ord. 3009 - Passed 9/3/85.)

721.02 REMOVAL OF SNOW, ICE OR RUBBISH.

No person owning, controlling or occupying any lot adjoining or fronting upon any of the streets, lanes or alleys in the City shall allow or permit any mud, sand, gravel, leaves, snow, ice or rubbish of any sort or description to be or remain upon the pavements, sidewalks or footways in front of or adjoining such lot for a period longer than twenty-four hours after the rain, snow, sleet or hail which is the cause thereof has ceased to fall or after the same has been deposited thereon in any manner.

Any person owning, controlling or occupying such lot who neglects to remove the mud, sand, gravel, leaves, snow, ice or rubbish of any sort or description from the pavement, sidewalks or footways in front of or adjoining his lot within the time specified in this section, shall be guilty of maintaining a nuisance, and upon conviction therefor shall be punished as provided in Section 721.99.

Any person owning, controlling and/or plowing an off street parking lot area, a sidewalk and/or any other property adjoining or fronting upon any street, lane or alley in the City who plows or causes to place snow, mud, sand, gravel, leaves or rubbish of any sort or description into the street, lane or alley or repositions such materials from the parking lane to the traffic lane of a street or cartway which causes an obstruction to the normal flow of vehicular traffic shall be guilty of maintaining a nuisance and upon conviction therefor shall be punished as provided in Section 721.99. (Ord. 2463 - Passed 3/18/75; Ord. 3731 - Passed 2/6/96.)

721.03 PROJECTING GATES OR DOORS.

Any person hereafter shall construct any gate, door or other movable structure used for the purpose of egress or ingress to private property which, when opened or closed, projects over the building line and into or over the highways of the City.
(1946 Code C. 28 §5)

721.04 ACTIVITIES.

(a) The Director of Public Works, as authorized by the Mayor, shall review, schedule and grant final approval to all activities on streets and sidewalks which is considered the public right-of-way except for block parties and parades which require temporary closing of the street and redirection of traffic. Such events shall be permitted and controlled by the Department of Police.

(b) Activities which may be conducted upon the streets and sidewalks are those which would: enhance its appearance; generate citizen interest and community spirit. Subject activities will in no way interfere with the health, safety or welfare of the community, and may include the right without the necessity of a permit to the peaceful, orderly exercise of freedom of speech as granted by the First Amendment of the United States Constitution.

(c) All persons wishing to place temporary structures upon the streets and sidewalks shall make application to the Director of Public Works for a permit to conduct activities which shall be issued upon the payment of a One Hundred Dollar (\$100.00) fee, where applicable, and compliance with the regulations established by the Director.

(d) The application for permit shall:

- (I) describe the activity which is contemplated;
- (II) describe in detail the location, dimensions, and type of construction of any structure to be used;
- (III) provide a Certificate of Insurance from a company acceptable to the Director providing liability coverage to the applicant and naming of the City as an additional insured. The amount of the insurance coverage shall be in an amount acceptable to the Law Bureau;
- (IV) be filed with the Director no later than Fifteen (15) days nor more than Sixty (60) days prior to the commencement of the activity;
(Ord. 3684 - Passed 4/18/95.)

(V) be granted only to those persons who have legal title to the land directly abutting the area of the sidewalk or street to be utilized or are lessees of such abutting land under a lease entered into at least Sixty (60) days prior to the day of application.

(VI) the issuance of a permit by the Director of Public Works to occupy a location in the public right-of-way shall not in itself supersede other applicable City Ordinances, such as those of Health and Fire.

(e) Prohibited Acts

(I) No person not a legal title owner or lessee as defined in Section 721.04 (d)(V) shall be permitted to conduct any activities as permitted by this Section.

(II) No person shall conduct any covered activity unless first having obtained the permit provided for by this Section.

(III) Each day that anyone continues to operate without a permit after having received notice of a violation either in person or by posting at the site of the violation shall be a separate violation punishable in accordance with Section 721.99.

(IV) No person shall dispense alcoholic beverages unless they have been issued a Restaurant or Liquor License by the Pennsylvania Liquor Control Board and have received Pennsylvania Liquor Control Board approval for sales outside their premises.

(V) No person shall place any container for construction waste materials or for any other reason in the public right-of-way without obtaining a Right-of-Way Permit from the Director or his designee.

(VI) No person shall place a sign in the public right-of-way without securing a permit from the Director.

(f) Nothing contained herein shall prohibit Retail Merchants from having a sidewalk sale that occupies the public right-of-way which is an extension of the primary business of the adjoining property and Municipal events sponsored by Municipal Departments, Commissions and Boards. For all sidewalk sales and Municipal events that occupy the public right-of-way a permit must be obtained at no cost from the Department of Public Works and the rules and regulations that are in accordance with the issuance of such permit must be abided by. A minimum of 5 feet of clear walkway must be maintained at all times on the sidewalk. During special events, the Department of Public Works may provide special walkway safety areas as may be required.

(Ord. 3420 - Passed 6/4/91. Ord. 3684 - Passed 4/18/95.)

(g) For permits applicable to containers/dumpsters, building supplies, construction equipment, etc, which are temporarily placed in the public right-of-way:

- (I) The fee shall be \$10.00.
- (II) Application for the permit shall be filed with the Director of his designee not less than twenty-four (24) hours nor more than Thirty (30) days prior to the placement of the item;
- (III) The applicant must be the legal title property owner, or the contractor who is under the contract with the legal title property owner;
- (IV) All such permits shall be approved by the Traffic Bureau, Police Department prior to the issuance of the permit.

(Ord. 3684 - Passed 4/18/95.)

721.99 PENALTY.

Any person violating the provisions of this article shall be fined not more than three hundred dollars (\$300.00) for each separate violation, together with costs, or imprisoned not more than ninety days if the amount of said fine and costs should not be paid.

(Ord. 1768 - Passed 11/13/62; Ord. 3184 - Passed 5/3/88.)